

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

THE UNITED STATES OF AMERICA,

vs.

CASE NO. 3:99-CR-135-02 (PG)

CARLOS JESUS MULERO PASTRANA

MOTION FOR SOME DISPOSITION

TO THE HONORABLE JUAN M. PEREZ-GIMENEZ
SENIOR, U.S. DISTRICT JUDGE
DISTRICT OF PUERTO RICO:

COMES NOW, Luis O. Encarnación, U.S. Probation Officer of this Honorable Court, presenting an official report upon the conduct and attitude of supervisee, Carlos J. Mulero-Pastrana, who on December 10, 1999, was sentenced to thirty-seven (37) months of imprisonment after he pled guilty of violating Title 21 U.S.C. § 841 (a)(1) and 18 U.S.C. § 2. A five year supervised release term was also imposed. On January 10, 2002, the offender began to serve his term of supervised release.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AS FOLLOWS:

The offender has violated the following supervision condition:

1. "The defendant shall refrain from any unlawful use of a controlled substance."

On December 18, 2006, the offender tested positive to the use of marihuana. During an interview conducted on such date, the offender accepted the use of marihuana. In addition, Mr. Mulero failed to report to the office for drug testing on two different occasions. The offender was confronted with his failure to abide with the release conditions imposed by the court. This writer plans to immediately initiate the offender on an intensive urine collection schedule to identify any further drug use. Additionally, the offender was advised that if he fails to report to the office to submit to drug testing, the court will be notified to initiate revocation procedure. The offender's term of supervised release is to expire on January 9, 2007.

WHEREFORE, in lieu of the aforementioned, unless ruled otherwise, it is respectfully requested the undersigned be allowed to continue with the supervision plan developed. If any additional violations are incurred by the offender, the Court will be notified immediately.

In San Juan, Puerto Rico, this 29th day of December 2006.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 29, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: José Ruíz, Assistant U.S. Attorney and Anita Hill, Esq.

In San Juan, Puerto Rico, December 29, 2006.

s/Luis O. Encarnación
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